

CERTIFICATE OF MAILING, FACSIMILE OR ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is _____ being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed _____ to the Commissioner for Patents address below.
 X being transmitted via the USPTO Electronic Filing System.

/Mark D. Saralino/
Mark D. Saralino

May 22, 2009
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Masanori ITOH
Serial No.: 10/520,548
Filing Date: January 6, 2005
For: DATA PROCESSOR
Examiner: Nigar Chowdhury
Art Unit: 2621
Attorney Docket No. OKUDP0105US

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed January 22 2009, finally rejecting claims 1-9 and 12-17.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of
 X other than a small entity.
 a small entity.
 A verified statement
 is attached.
 was already filed on _____.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:
 small entity \$270.00
 X other than a small entity \$540.00

Notice of Appeal Fee Due **\$540.00**

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(3)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<u> X </u>	one month	\$ 130.00	\$ 65.00
<u> </u>	two months	\$ 490.00	\$245.00
<u> </u>	three months	\$1,110.00	\$555.00
<u> </u>	four months	\$1,730.00	\$865.00
Fee \$ <u>130.00</u>			

If additional extension of time is required, please consider this a petition therefor.

 An extension for months has already been secured.
The fee paid therefor of \$ is deducted from the total
fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) Applicant believes that no extension of term is required.
However, this conditional petition is being made to
provide for the possibility that applicant has inadvertently
overlooked the need for a petition and fee for extension
of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 540.00
Extension fee (if any) \$ 130.00

TOTAL FEE DUE \$ 670.00

5. FEE PAYMENT

- X Credit card payment via EFS-Web in the sum of \$ 670.00.
 Charge Account No. 18-0988 the sum of \$.
(A duplicate of this transmittal is attached.)

6. FEE DEFICIENCY

- X If any additional extension and/or fee is required,
charge Account No. 18-0988.
and/or
 X If any additional fee for claims is required,
charge Account No. 18-0988.